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PATENT
Docket No. 377882001100

CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"

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Assistant Commissioner for Patents, Washington, D.C. 20231, on March 24, 2003.

Rhoe Arndt

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Gary VAN NEST

Serial No.: 09/802,518

Filing Date: March 9, 2001

For: METHODS OF AMELIORATING
SYMPTOMS OF HERPES INFECTIONS
USING IMMUNOMODULATORY
POLYNUCLEOTIDE SEQUENCES

Examiner: D. Sullivan

Group Art Unit: 1636

RECEIVED
APR 07 2003
TECH CENTER 1600/2900DECLARATION OF GARY VAN NEST, PH.D.
PURSUANT TO 37 C.F.R. § 1.132Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

I, Gary Van Nest, Ph.D., declare as follows:

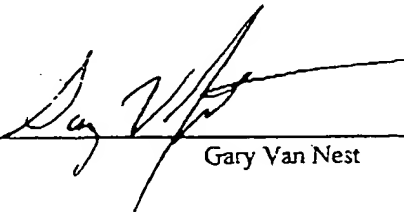
1. I currently reside at 639 Skyline Drive, Martinez, California 94553.
2. I am an inventor named in the above-referenced patent application, and am familiar with the written communication from the Patent Office dated December 24, 2002.
3. I participated in the design of experiments described in Example 2 of the application. In the procedures described at page 45, line 9, to page 46, line 2, of the specification, the ISS therapy referred to as "ISS injections" was administration of ISS-

containing polynucleotides though intraperitoneal injections. The results of this experiment, depicted in Figure 2, demonstrate that systemic, non-local administration is an effective route of administration of ISS-containing polynucleotides for reducing frequency of herpes recurrence.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

March 20, 2003

Date



Gary Van Nest